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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,434	07/13/2001	Timothy B. Main	390059.406	3429

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SEATTLE, WA 98104-7092

EXAMINER

GARBE, STEPHEN P

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/905,434

Applicant(s)

MAIN ET AL.

Examiner

Stephen Garbe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/9/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-12,14-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-12,14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

1. The drawings are objected to under 37 CFR 1.83(a) as failing to illustrate ventilation openings 129 as recited in claim 5 and discussed in the written description.

No new matter may be added.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroemer, United States Patent No. 1,713,341 in view of Onderdonk, United States Patent No. 318,016. Kroemer discloses all claimed features except for left and right side panels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Kroemer's bag with side panels, as taught by Onderdonk, because Kroemer's bottom wall has four sides and, thus, is capable of forming the bottom of a bag having four sides.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kroemer, United States Patent No. 1,713,341 in view of Onderdonk, United States Patent No. 318,016, as applied to claim 1, and further in view of Lawford, Australian published patent application number 113,542. It would have been obvious to provide Kroemer's bag with ventilation openings in the front and back panels, as taught by Lawford, because such openings would have allowed Kroemer's bag to be used for carrying items needing ventilation.

5. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroemer, United States Patent No. 1,713,341 in view of Onderdonk, United States Patent No. 318,016, as applied to claim 1. Furthermore, the various claimed sizes and shapes would have been obvious matters of choice.

6. Claims 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroemer, United States Patent No. 1,713,341 in view of Onderdonk, United States Patent No. 318,016. It would have been obvious to form Kroemer's bag with left and right side panels and bottom flaps in the manner taught by Onderdonk because Onderdonk's method is a convenient way of making a bag.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kroemer, United States Patent No. 1,713,341 in view of Onderdonk, United States Patent No. 318,016, as applied to claim 12, and further in view of Lawford, Australian published patent application number 113,542. It would have been obvious to provide Kroemer's bag with ventilation openings in the front and back panels, as taught by Lawford, because such openings would have allowed Kroemer's bag to be used for carrying items needing ventilation.

8. The remaining patents are cited to show other, similar bags.

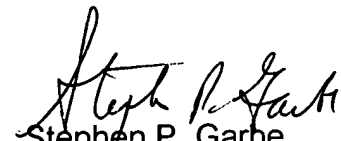
9. Any inquiry concerning this application or proceeding should be directed to Stephen Garbe who can be reached at 703-308-1207. The examiner can normally be reached Monday-Thursday between the hours of 7:15 and 4:45 and alternate Fridays between the hours of 7:15 and 3:45.

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10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on 703-308-2572.

11. The fax phone numbers for Technology Center 3700 are 703-872-9302 for papers filed in response to a non-final Office Action and 703-872-9303 for papers filed in response to a Final Office Action.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is 703-308-1148.

  
Stephen P. Garbe  
Primary Examiner  
Group 3720